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Notice of Allowability	Application No.	Applicant(s)	
	10/692,678	BABAYOFF ET AL.	
	Examiner	Art Unit	
	Roy M. Punnoose	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 7/20/2004.
2. ☒ The allowed claim(s) is/are 38-42.
3. ☒ The drawings filed on 27 January 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

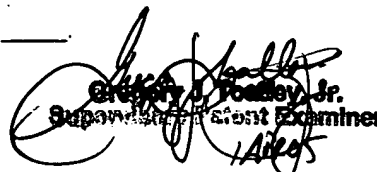
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/5/2004, 7/20/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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 Gregory J. Ponsley, Jr.
 Supervising Patent Examiner

DETAILED ACTION

Preliminary Amendments

1. The preliminary amendment the applicant filed on 10/27/2003 and 05/17/2004 is acknowledged. In the preliminary amendment the applicant filed on 10/27/2003 the applicant cancelled claims 1-37 and added new claims 38-42. Claims 38-42 are pending in the application.

Allowable Subject Matter

2. Claims 38-42 are allowable.

3. Claim 38 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a probing member comprising an elongated transparent body having a front face and an end mirror, and top, bottom and sidewalls extending therebetween to cause light beams incident on the front face bounces towards the sensing end-face by means of total internal reflection, in combination with the rest of the limitations of claim 38.

4. Claims 39 and 40 are allowable because they are dependent on independent claim 38 or an intermediate claim, and include all the allowable limitations of the parent claim.

5. Claim 41 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a probing member comprising an elongated transparent body having a front face and an end mirror, and top, bottom and sidewalls extending therebetween, and a sensing end-face in the form of a transparent plate fixed to the bottom wall with an air-gap between the bottom wall's outer surface and the sensing end-face, in combination with the rest of the limitations of claim 41.

6. Claim 42 is allowable because it is dependent on claim independent claim 41, and includes all the allowable limitations claim 41.

Priority

7. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Israel on August 05, 1998. It is noted, however, that applicant has not filed a certified copy of the Israeli application as required by 35 U.S.C. 119(b).

Conclusion

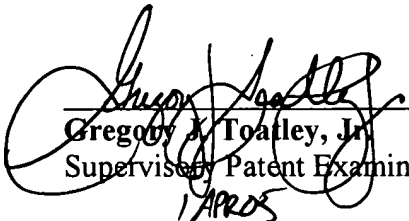
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
March 31, 2005




Gregory J. Toatley, Jr.
Supervisory Patent Examiner
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